

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BEN VEAL,)
)
Plaintiff,)
)
v.) Civil Action No.: _____
)
RUBBERMAID COMMERCIAL)
PRODUCTS, LLC,)
)
Defendant.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332 and 1441, Defendant Rubbermaid Commercial Products, LLC (“Rubbermaid”) hereby gives notice of the removal of the lawsuit styled as *Ben Veal v. Rubbermaid Commercial Products, LLC*, Case No. 14 L 427, from the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, to the United States District Court for the Northern District of Illinois. In support of this Notice of Removal, Rubbermaid states as follows:

1. Plaintiff Ben Veal (“Veal”) commenced this action by filing a Complaint in the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, on June 17, 2014, styled *Ben Veal v. Rubbermaid Commercial Products, LLC*, No. 14 L 427 (the “State Court Action”). *See* State Court Action Cover Page, Jury Demand, and Complaint (with Exhibits) attached hereto as Exhibit A.
2. The Complaint in the State Court Action alleges two counts against Rubbermaid, breach of contract, and common law fraud. (Ex. A, Complaint at ¶¶71-90.)
3. Rubbermaid was served the summons and Complaint in the State Court Action on or after June 30, 2014. (*See* Ex. A, Summons at p. 1.)

4. This Notice of Removal is timely because it is being filed within thirty (30) days from the date Rubbermaid was served with the summons and Complaint in the State Court Action. *See* 28 U.S.C. §1446(b).

GROUNDS FOR REMOVAL

5. Removal is proper under 28 U.S.C. § 1332 and 1441 because there is complete diversity of citizenship between Veal and Rubbermaid and the amount in controversy exceeds \$75,000.

6. Specifically, Veal alleges he is currently, and was at all times material to the Complaint, an Illinois resident residing at 1494 Sutton Circle, Wauconda, Illinois 60084. (Ex. A, Complaint at ¶4.)

7. Rubbermaid was at the time this action commenced, is currently a Delaware limited liability company with its principal place of business in Winchester, Virginia. Rubbermaid's sole member is Rubbermaid Incorporated, which is an Ohio corporation with a principal place of business in the state of North Carolina.

8. Accordingly, complete diversity of citizenship exists between Plaintiff Veal, and Defendant Rubbermaid.

9. The Complaint alleges that the amount in controversy is in excess of \$75,000, exclusive of interest and costs. Among other claims, Veal claims that Rubbermaid "fail[ed] to make royalty payments of \$1 and \$2 per unit sold" (Ex. A, Complaint at ¶ 78(e)) and that Mr. Veal "never received royalty payments commensurate with . . . 80,000 units sold." (*Id.* at ¶ 49). Veal alleges his damages from "Count I – Breach of Contract" are "in an amount of \$50,000." (*Id.* at ¶ 82.) In addition, Veal claims his damages from "Count II – Common Law Fraud" are "in an amount in excess of \$50,000." (*Id.* at ¶ 90.) Accordingly, as of June 17, 2014, the

apparent filing date of the Complaint in the State Court Action, Veal's damages demand exceeds \$75,000.

10. The Circuit Court of Lake County, Illinois, where this action is currently pending, is within the Eastern Division of the Northern District of Illinois.

COMPLIANCE WITH REMOVAL PROCEDURES

11. Rubbermaid has complied with all of the procedural requirements for removal set forth in 28 U.S.C. § 1446. As noted above, the notice of removal is being filed within 30 days of the service of the lawsuit. *See* 28 U.S.C. § 1446(b)(1).

12. Notice of this Removal is being provided to plaintiff, though his attorney of record, Jefferey Ogden Katz, The Patterson Law Firm, LLC, One North LaSalle Street, Suite 2100, Chicago, Illinois 60602, and the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois. *See* 28 U.S.C. § 1446(d).

13. Pursuant to 28 U.S.C. § 1446(d) a copy of this Notice of Removal will be filed with the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, in Case No. 14 L 427. A copy of proposed Notice to Clerk of Removal is attached hereto as Exhibit B.

NOTICE OF NON-WAIVER

14. Rubbermaid reserve all defenses, jurisdictional or otherwise, and nothing in this Notice of Removal is intended to waive any such defenses of Rubbermaid, or their right to contest the underlying basis for the State Court Action.

WHEREFORE for the foregoing reasons, Rubbermaid removes this action from the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division, and respectfully requests that the Court exercise jurisdiction over this action.

Dated: July 29, 2014

/s/ Mark H. Izraelewicz

Mark H. Izraelewicz
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Counsel for Defendant RUBBERMAID
COMMERCIAL PRODUCTS, LLC

CERTIFICATE OF SERVICE

I, Tiffany D. Gehrke, an attorney hereby certify that on July 29, 2014, I caused a copy of the foregoing Notice of Removal and associated exhibits to be served via United States first class mail, postage prepaid, upon the following:

Jefferey O. Katz
The Patterson Law Firm, LLC
One North LaSalle Street
Suite 2100
Chicago, Illinois 60602

/s/ Tiffany D. Gehrke